IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.3402 of 1996

Between:

C.V.Ramana Rao, S/o.Siva Rao, 37 years, Superintendent, O/o.The Regional Inspection Officer, Board of Intermediate Education, Visakhapatnam.

...PETITIONER

AND

1. Government of A.P., rep.by its Principal Secretary, Education Department (Higher Education), Secretariat, Hyderabad.
2. Board of Intermediate Education, rep.by its Secretary, A.P., Nampally, Hyderabad.
3. Regional Inspection Officer, (FAC), Board of Intermediate Education, Pithapuram Colony, Visakpahatnam.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or Order or direction particularly in the nature of Writ of Mandamus quashing the proceedings RC.No.838/A3/95, dated 06.02.1996 of Respondent No.2 by declaring the same is illegal, bad, arbitrary, bias, malafide, non-est of eyes of law, without jurisdiction, discriminative in nature, violative of principles of natural justice and violative of Article 14, 16, 21 & 311 of the Constitution of India and further awarding all consequential benefits.

Counsel for the Petitioner: MR.M.V.RAJA RAM

Counsel for the Respondent No.1: GP FOR HIGHER EDUCATION

Counsel for the Respondent Nos.2 & 3: MR.NARAM BHASKARA RAO

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.3402 of 1996

ORDER:

Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

The petitioner herein who has been working as Superintendent with the third respondent files this Writ Petition *inter alia* seeking for a writ of mandamus challenging the impugned order dated 06.02.1996 whereunder he was kept under suspension on certain allegations. Though it has been pointed out on behalf of the petitioner that it is only due to warning given by him against the employees, on behalf of whom, one lady has complained and the said persons have manhandled him and therefore, he has lodged a complaint. This ultimately led to passing of impugned orders, which is wholly unsustainable. Apart from that, the petitioner raises a question as to whether the respondents have any power to suspend him even when the enquiry was pending.

Having heard both sides and on perusal of the material available on record, it is brought to the notice of this Court that subsequently, the petitioner has been reinstated and posted at Kurnool and now he is working in the said post. In view of the same, it is not necessary to go into all these questions and admittedly, an enquiry was pending against him.

In these circumstances, the Writ Petition is disposed of directing the respondents herein to complete the enquiry, if not done, as expeditiously as possible and it shall be open to the petitioner to raise all the objections both in regard to the allegations alleged against him and also in regard to other merits and

the same would be considered and disposed of in accordance with law, after giving prior notice and proper opportunity to the petitioner.

With the above observations, the Writ Petition is disposed of.

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(B.PRAKASH RAO, J)

29th November 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Principal Secretary, Government of A.P., Education Department (Higher Education), Secretariat, Hyderabad.
2. The Secretary, Board of Intermediate Education, A.P., Nampally, Hyderabad.
3. The Regional Inspection Officer, (FAC), Board of Intermediate Education, Pithapuram Colony, Visakhapatnam.
4. Two CCs to G.P. for Higher Education, High Court Buildings, Hyderabad (OUT).
5. Two CCs to G.P. for School Education, High Court Buildings, Hyderabad (OUT).
6. Two CD copies.